

Application Serial No. 10/618,216
Amendment dated May 11, 2006
Reply to Office Action dated February 14, 2006

REMARKS

Claims 1-37 are pending in the application. Claims 29-37 have been withdrawn from consideration. The Examiner rejected Claims 1-28. No claims have been allowed.

Applicant herewith submits a Request for Continued Examination under 37 C.F.R. § 114.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected Claims 1, 16-18, and 22-28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0024165 (hereinafter "Steen et al. '165"). Applicant respectfully submits that Steen et al. '165 does not disclose or suggest a battery-powered sensor module including a wireless communication device having a processor and associated software enabling the communication device to generate event messages, the communication device capable of immediately transmitting the event messages upon detection of an event selected from the group consisting of a liquid level event and a sensor module status event, as called for in amended Claims 1 and 16.

Steen et al. '165 discloses sensor reading system 10, shown in Figure 1, including data acquisition device 26, antenna 24, and data collector 50 which is part of collection unit 14. As shown in Figure 2, sensor and data acquisition combination unit 12 includes sensor 20 and data acquisition device 26. Data acquisition device 26 includes antenna 24, microprocessor 30 having transmission and/or reception capabilities, power supply 28, and interface 32. Microprocessor 30 takes data received from sensor 20, stores the data, and then, based upon a preprogrammed transmission schedule, transmits the data to data collector 50. Nowhere does Steen et al. '165 disclose data acquisition device 26 capable of immediately transmitting an event message upon detection of an event such as a liquid level event or a sensor module status event. In contrast, data acquisition device 26 merely stores the data gathered from sensor 20 and only transmits event messages to data collector 50 based on a preprogrammed transmission schedule. For example, upon detection of a liquid level event, data acquisition device 26 does not immediately transmit an event message based on this event. Rather, device 26 stores this event message until transmitted to data collector 50 based on the preprogrammed transmission schedule. Steen et al. '165 teaches away from device 26 immediately transmitting an event message upon detection of an event such as a liquid level event or a sensor module status event because the configuration between data collector 50

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and microprocessor 30 is designed to avoid transmission collision with other acquisition devices 26. For example, an immediate transmission from device 26 to collector 50 defeats one of the functions of microprocessor 30, i.e., "to enable the data acquisition device 26 to efficiently and reliably transmit data in harmony with other units to avoid transmission collision with other acquisition units." (See ¶ [0032] of Steen et al. '165). Because Steen et al. '165 does not disclose or suggest a sensor module including a wireless communication device having a processor and associated software enabling the communication device to generate event messages, the communication device capable of immediately transmitting the event messages upon detection of an event selected from the group consisting of a liquid level event and a sensor module status event, as called for in amended Independent Claims 1 and 16, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of Claims 1 and 16, and Claims 17-18 and 22-28 depending therefrom.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 2, 4-13 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Steen et al. '165 in view of U.S. Patent No. 3,781,624 to Tullis (hereinafter "Tullis '624") and U.S. Patent No. 5,238,369 to Farr (hereinafter "Farr '369"). Tullis '624 discloses a liquid level indicator and flow measuring device, shown in Figure 1, without any disclosure of a wireless communication device having a processor and associated software enabling the communication device to generate event messages. Farr '369 discloses a liquid level control with capacitive sensors, but fails to disclose the use of a wireless communication device having a processor and associated software with the capability to generate event messages. The disclosure of Steen et al. '165 is discussed above. The disclosures of Tullis '624 and Farr '369 do not supply the claimed limitation missing from Steen et al. '165 described above. As such, Applicant respectfully submits that Claims 2, 4-13 and 19-20 are patentable for at least the reasons advanced above with respect to Claims 1 and 16.

The Examiner rejected Claims 3 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Steen et al. '165 in view of Tullis '624 and Farr '369 and further in view of U.S. Patent No. 6,568,264 to Heger (hereinafter "Heger '264"). Furthermore, the Examiner rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Steen et al. '165 in view of U.S. Patent No. 6,510,350 to Steen et al. (hereinafter "Steen et al. '350"). The

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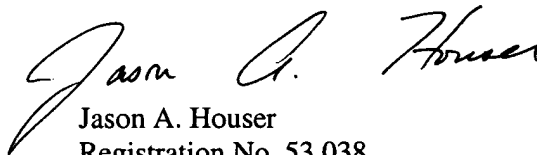
disclosure of Steen et al. '165 is discussed above. Heger '264 discloses a wireless swimming pool water level system without any disclosure or suggestion of a wireless communication device having a processor and associated software. Steen et al. '350 discloses a remote data access and system control without any disclosure or suggestion of a wireless communication device having a processor and associated software. The disclosures of Heger '264 and Steen et al. '350 do not supply the claimed limitation missing from Steen et al. '165 described above. As such, Applicant respectfully submits that Claims 3, 14, and 21 are patentable for at least the reasons advanced above with respect to Claims 1 and 16.

It is believed that the above represents a complete response to the Office Action and reconsideration is requested.

In the event Applicant has overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 260/424-8000.

Respectfully submitted,



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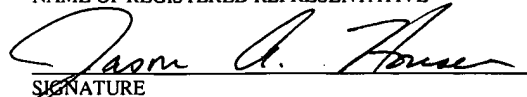
JAH/pas
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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on: May 11, 2006

JASON A. HOUSER, NO. 53,038
NAME OF REGISTERED REPRESENTATIVE



SIGNATURE

May 11, 2006
DATE